IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 8900 of 2005

DATE OF DECISION: October 26, 2006.

Gurdeep Singh ....Petitioner

Versus

State of Punjab and others ....
Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. Rohit Kapoor, Advocate for the petitioner.

Mr. Ashok Aggarwal, Addl. A.G. Punjab,
for the respondents.

J.S. Khehar, J.

The petitioner was employed as a daily wager in the Department of Cultural Affairs, Archaeology and Museums, Punjab, on 23.10.1986. He left his employment on his own on 1.2.1989 and returned again to his work on 2.7.1990. Once again, he absented himself from his employment with effect from 1.8.1990 and remained absent throughout i.e. he never returned back to his work thereafter. The State Government issued instructions pertaining to regularisation of work charge/daily wage employees on 23.1.2001. The aforesaid instructions pertain to regularisation of such employees who had completed 3 years of service. Consequent upon the issuance of the aforesaid instructions dated 23.1.2001, the petitioner was appointed on regular basis against a regular post.

It was, however, realised that the petitioner did not fulfil the conditions stipulated in the instructions dated 23.1.2001. Consequently, by an order dated 14.5.2001 the regular appointment allowed to the petitioner was cancelled. The petitioner impugned the order dated 14.5.2001 by filing CWP No.3199 of 2004. The aforesaid writ petition was disposed of by this Court with a direction to the Director, Department of Cultural Affairs, Archaeology and Museums, Punjab, to consider and dispose of the appeal preferred by the petitioner against the order dated 14.5.2001 (vide which his appointment on regular basis was annulled). In compliance with the directions issued by this Court, the Principal Secretary, Department of Cultural Affairs, Archaeology and Museums, Punjab, passed an order dated 4.6.2004. By the aforesaid order, the appeal preferred by the petitioner was dismissed.

The petitioner has approached this Court, through the instant writ petition, so as to challenge the orders dated 14.5.2001 passed by the Director, Department of Cultural Affairs, Archaeology and Museums, Punjab, as well as, the order dated 4.6.2004 passed by the Principal Secretary, Department of Cultural Affairs, Archaeology and Museums, Punjab.

The primary contention of the learned counsel for the petitioner is that the action of the respondents in setting aside the order of his appointment on regular basis against a regular post is wholly illegal and is liable to be set aside. It would be pertinent to mention that during the course of hearing, learned counsel for the petitioner did not controvert the factual position, namely, that the petitioner was inducted into the services of the respondents as a daily wager on 23.10.1996, and that, he

left his work on his own on 1.2.1989. He also did not refute that the petitioner resumed his duties on his own on 1.2.1989, and thereafter, again absented himself from his work from 1.8.1990, and thereafter, never returned back to his work. In view of the aforesaid unrepudiated facts, it is clear that the claim of the petitioner for regularisation/re-appointment under the policy instructions dated 23.1.2001, was a clear mistake, and in complete disregard to the fact that the petitioner was no longer in service on account of his voluntary absence/abandonment of employment when the instructions dated 23.1.2001 were issued by the State Government. Under the aforesaid instructions, employees in service who fulfilled the conditions stipulated therein were to be regularised. The petitioner clearly did not deserve to be regularised or re-employed under the aforesaid policy instructions dated 23.1.2001 as he had abandoned his employment on 1.8.1990.

In view of the above, we find no infirmity in the orders passed by the Director, Department of Cultural Affairs, Archaeology and Museums, Punjab, dated 14.5.2001, or the order passed by the Principal Secretary, Department of Cultural Affairs, Archaeology and Museums, Punjab, dated 14.5.2001.

Dismissed.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

October 26, 2006.
vig